

Sec. 7-294e-11. Cancellation or revocation of instructor certification

(a) **Causes:** Any certificate issued under Subsection (a) (4) of Section 7-294d of the Connecticut General Statutes by the Police Officer Standards and Training Council, hereinafter called “the Council,” may be cancelled or revoked by the Council for any of the grounds specified in Section 7-294d (c) (2) of the General Statutes.

(b) **Request for Cancellation or Revocation:** A request for cancellation or revocation of certification may be made by a law enforcement unit through its chief law enforcement officer, hereinafter called “the requesting party.” Such request shall be in writing, signed, and shall state in reasonable detail the grounds upon which cancellation or revocation is requested. Any such request shall be filed with the Executive Director of the Police Officer Standards and Training Council. Whenever the Council believes there is a reasonable basis for cancellation or revocation of a certificate, in its entirety or in part, it shall request that its Executive Director proceed with a preliminary inquiry.

(c) **Preliminary Inquiry:** Procedures to cancel or revoke a certificate may be instituted by the Council only after a preliminary inquiry has been made to determine whether probable cause exists for instituting such procedures. If the Council deems that probable cause does exist for such cancellation or revocation of certification, it shall enter into its minutes a written record of such finding. This record shall be made available, on request, to the holder and to the law enforcement unit which initiated the request for cancellation or revocation.

(d) **Notice to Holder of Certificate:** If, in its preliminary inquiry, the Council determines that probable cause does exist for such cancellation or revocation of certification, the Executive Director of the Council shall notify the holder by mail that the Council is instituting procedures to cancel or revoke his/her certificate. Such notice shall contain a statement, in reasonable detail, of the grounds for such cancellation or revocation and shall also contain the name and address of the requesting party. Further, such notice shall contain a statement in writing that the holder may, within fifteen days after receiving the notice, either:

(1) Surrender his/her certification to the Executive Director of the Council, thereby cancelling or revoking his/her right to serve as a certified instructor, and waiving his/her right to a hearing, or

(2) Request, in writing, a hearing before the Council.

(e) **Provision for Hearings.** If no request for a hearing is made by the holder within the required 15-day period, the Council may, on its own (but not later than thirty-one days following the expiration of the 15-day notice period), order a hearing to be held. If no hearing is held, the Executive Director of the Council shall undertake (or initiate) an investigation of the matters set forth in the notice and file a written report detailing his findings with the Council. Said report shall be presented to the Council within sixty days following the expiration of the aforesaid 15-day notice period. If a hearing is requested by the holder, or if the Council orders a hearing on its own motion, such hearing shall be held not later than thirty-one days following such request or such order by the Council. Not less than twenty-one days’ notice of such hearing shall be given to the holder, to the requesting party, and to the chief law enforcement officer of the employing unit.

(f) **Hearing Procedure.** The hearing shall be conducted by a Committee of the Council

with at least three Council members present. The meeting shall be conducted in accordance with the requirements of the Freedom of Information Act. The holder and the requesting party shall have the right to examine the record of any prior investigations and proceedings in the case, to be heard in each other's presence, to be present throughout the hearing and to be represented by counsel, who shall be given reasonable opportunity to call witnesses, to cross-examine adverse witnesses, to present oral argument and, within twenty days following the hearing, to file briefs.

(g) **Decision of the Council.** The Council, within thirty-one days after the conclusion of the hearing or after filing of the Executive Director's written report if no hearing is held, shall determine by a recorded roll-call vote whether or not the certificate of the holder shall be cancelled or revoked in its entirety or in part. An affirmative vote of two-thirds of the full membership of the Council shall be necessary for such cancellation or revocation. The Council shall state in a written opinion the reasons for its action and shall base its determination upon the evidence produced at the hearing or, if no hearing is held, upon the Executive Director's written report. Notice of the action of the Council, together with its written opinion supporting such action, shall be promptly furnished by the Council's Executive Director to all parties involved.

(h) **Restoration of Certification.** Any law enforcement instructor whose certification is cancelled or revoked in its entirety or in part pursuant to Sections (a) through (g) above may reapply for certification two years after the date on which the cancellation or revocation order becomes final.

(Effective November 29, 1995)